

App. F. IX-4

Previous References

1934.
May

File No. 288-32

Serial Nos. 1-3.

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3 -

Part B for August-1935

SUBJECT.

Appeal re. the management of the
Channabasaneswaraswami temple
at Lybbi

No 97.

22.8.1935

To the Mysore Commission

WD 0296-GPB-22,500-13-8 37

Rejects the appeal petition

113 Appeal in the management
of Channasava Swami Temple
at Gubbi & the properties belonging to it
File No. 288 of 1934

Petition of 22-6-1933 filed by Mr. Belur
Kuvasa Jagappa on behalf of his client
Yegannan Redanna and Yegannan Huteh
of Gubbi appealing against the
order of the Mysore Commission in case
Appl no 16 of 31-32 of 8/5/35—
directing that the management of the
Channasava Swami Temple at Gubbi
be taken over from the hands of the petitioners
and issuing instructions for its future
management.

(1) The Appeal fee is sufficient
Stamped and is in time.

(2) In para 5 of the order of
the M.C. it is said that large sums
were collected for the new temple car,
& ground rent was levied for some
years during the annual yatra, but
no accounts have been kept up till
now for the sums collected & spent.
In view of this and other irregularities
detected in the order of the M.C. it is for
orders how far the prayer of the petitioners
to allow them to continue the management
of the temple is tenable. The petitioners
further represent that they have not
been given any notice in the management
of the temple. Whether the petitioners
of Appl. a report will be submitted.

~~The above order is also for the~~
~~of the appeal may be admitted~~
~~as the order is called for.~~ — It is a
 45 point for orders whether in
 7/11 view of the facts stated in paras 5 and
 para 6 of the Muzrai Court's
 order appealed against, it is
 desirable to appoint the petitioners
 as Dharmadarsis of the temple,
~~the order is called for.~~

(1) Kuid case is invited to the notice
 at paras 34 to 39 in ^(Para 9/12) Muz File No 169-30
 Slos 1-9 put up, which explain the case
 in detail and to the II member's order
 at para 40 in accordance with which
 his order is here copied to the M.C. in the
 office letter of 26/4/35 (Floy K). ~~and~~ the
 M.C. has never passed the order (Floy K)
 which is now appealed against.

(2) No fresh grounds are urged in the
 present appeal petition and as such
 it is for orders whether the records should
 be called for or whether the appeal
 may be rejected on the material available.

88
 10/7/35

Genl. Secy.

~~The~~ ~~for~~ Action has
 been taken under Sec 6

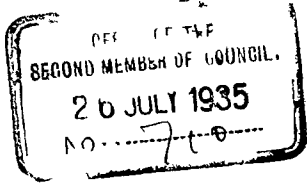
RECEIVED
 10 JULY 1935
 228

appeal to the management of Public Charabasas
 Swami temple at public the properties belonging to it
 1608 H

General and Revenue
 Secretariat

File No. 288 of 1934-35

[App F III-2



R. U. I

2nd Inst. Reg. For the
 the previous misman-
 agement - or otherwise
 is not an issue in
 pointable
 6) The appeal may be
 rejected

I (D. M. B.)

19-7-35
 2 filed on 24-7-35
 on the same date
 against the stay
 of the matter

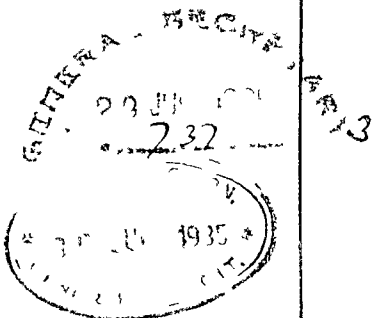
The Municipal Commission
 has considered
 and rejected the application
 his clients in the case.
 dtd for order

7-8-35
 26/7

6) 1/12
 27/7

9) 1/12
 27/7

10) 1/12
 27/7



NOTE-Contn Sheet

12) No. 96, of 2-8-35
 Revenue & Charabasas in relation
 Trial then appeal of the same is
 No. 96, of 2-8-35
 Commission for the
 the above for the

File No.

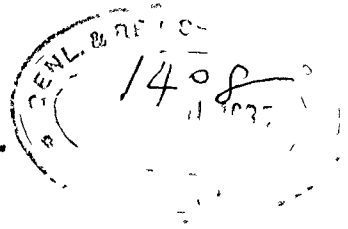
of 193 .

General
Secr

to ornament of His Highness the Maharaja

Mysore at Bangalore.

Muzroi Appeal 19 of 1934-35.



GENERAL COMMISSIONER,
MYSORE
26 JUNE 1935
Sms.

Appellants:- 1. Gubbi Yejama Revanna,
2. Gubbi Yejama Huchappa.
Residents of Gubbi,
Taluk, District.

Respondent:-

Mag 288-34-1

26/6

The Appellant, abovesigned most respectfully beg to prefer this appeal against the order No. App. 16 of 31-32 dated 2/3-5-35 of the learned Muzroi Commissioner in Mysore, Bangalore, in the following grounds:-

1. The learned Muzroi Commissioner erred in holding that the management of the temple has been neglected by the appellants and that their continuance in sole charge of the Institution would be detrimental to its interests.

2. The learned Muzroi Commissioner failed to observe that the allegations against the appellants were vague and indefinite.

3. While observing that since time immemorial the setty and Yejamas of the Lingayeth Community etc. have been in charge of the Institution and the same has recognised as far back as in 1854, the learned Commissioner placed the appellants any place in the management now proposed.

2.

4. The learned Muzroi Commissioner has unjustifiedly interfered with the -
rested interests of the appellants as -
Setty and Vejamans of the Lingayet -
Community.

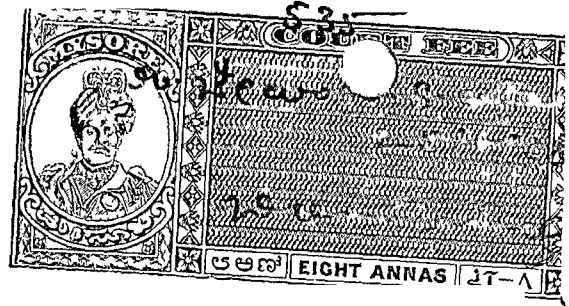
5. The version of facts relied on
by the learned Muzroi Commissioner is one
sided. The order of the Muzroi -
Commissioner is opposed to Law, *Evidence Act* -

WHEREFORE the appellants pray
that the order of the Muzroi Commissioner
be set aside and the appellants be allowed
to continue on the Lingayet -
Insulation in pursuance of such rules as
may be framed by Government in the interests
of the Insulation as also vested rights of
the appellants.

Bangalore,
22-6-1950.

Behar Srinivasan

Advocate for Appellants.



ಕೋಟಿಗೆ.

ನಂಬರು

ಪ್ರತಿನಾದಿ ಯಾ ಅಪೋನೇಂಟ್

 $V_s.$

అవలంబన చరసికొట్ట వకాలతో నామా.

Y X 2 0 5 4 m 1 8 5 2

శుభ్రములు అనునవి శుభ్రములు

ಈ ವೊಮ್ಮಿರುನಾಮ್ ಅಂಗೀಕರಿಸಿ ಇಷ್ಟೇನೆ.

Ed. R. Balkas
Bellevue Hospital

ವೇವಿ ಪವರ್ ಪ್ರೆಸ್ ಸುಲ್ತಾನ್‌ಪೇಟೆ ಬೆಂಗಳೂರು ೩೬

man are held responsible for.

Order of the Muzrai Commissioner
in Mysore

Reference: -

Appeal petition dated 11-3-32 of N^o Channappa against the order of the Deputy Commissioner Tumkur District, in respect of the alleged mismanagement of Sri Channabasavaneswarami temple at Gubbi.

2. Letter N^o. M. 1760/31-32, dated 14-12-33 from the Deputy Commissioner Tumkur District submitting the Sub-Division Officer's detailed report of enquiry in the matter, and stating that the latter Officer's suggestions with regard to the future management of Sri Channabasavaneswarami temple may be accepted.

Order N^o. Hpl: 16/31-32 dated 3/8-5-35.

The temple of Sri Channabasavaneswara at Gubbi is a minor Muzrai institution. The records show that the management of this institution has been vested from time immemorial in the Setty and the Yajman of the Lingayat community of the place. This management was recognised in 1884 by the then Deputy Commissioner according to whose orders the Setty and Yajman are held responsible for

and the conduct of the several ~~sevas~~.

2. The allegations of mismanagement made by the appellant may be briefly summed up as follows

(i) Non-performance of endowment ~~sevas~~

(ii) Mismanagement of the temple property.

(iii) Misappropriation of the income of the temple by the Setty and the Yajamanas of the place who are the present managers of the institution or by the Shaniks (archaks)

(iv) Non-maintenance of accounts of income and expenditure

3. As regards the endowment ~~sevas~~, it is reported that there are in all 23 ~~sevas~~ for which a total sum of Rs 3087-01 has been paid by the devotees. It is stated that in some cases the original ~~utsavas~~ for which the donations were made have been replaced by others and some of the ~~sevas~~ have been completely stopped. The endowment amounts appear to have been entrusted to private persons in some cases. The present managers are reported to have taken no action to enforce the liability of the

borrowers either to perform the services or to pay back the pudumat fund in their hands and that the bonds executed by the latter have in some cases incurred involving loss to the institution.

4. As regards the property of the temple, it is seen from the Khotwarpanika that the marginally noted lands have been granted by Govt. to the temple free of assessment for purpose of a Kope and they have either been brought under cultivation or used as shandy ground. It appears from the sketch that the S.Nos. are all contiguous. The Sub Division Officer reports that a Dargah or Mutt which is a private institution has been allowed to be constructed on S.No. 100 belonging to the temple some 50 years ago and that a garden containing about 50 Coconut trees, betel vines &c situated in the same S.No. is in the enjoyment of the Mutt. No Dargah is constructed in the Mutt as alleged by the respondents. S.No. 124 has become a vegetable garden having a permanent water supply and has been leased out for a very small qultha of 3 maunds of oil per year. The Coconut trees behind the temple in S.Nos. 102 have been leased out permanently by

Sl. No.	Extent
96	0-18
97	5-23
100	1-35
101	1-12
102	1-2
103	1-30
104	2-24
124	1-26
	16-10

himself unauthorisedly. S.No. 104
has 10 Coconut + 20 Pippe trees but
they have been badly neglected. Weekly
shandy is held in S.Nos: 96, 97, 102 + 104
belonging to the temple and some
mantaps and buildings have been
unauthorisedly constructed therein
by several Lingayat merchants of
Tulsi, but no ground rent is re-
gularly levied on the stalls, shops
etc in the shandy. The mandi
merchants and temple servants
are appropriating the proceeds
of the manure collected on shandy
days. The Sub division officer
states that the Municipal Coun-
cil is agreeable to pay Rs 200/-
to the temple if it is given a fairly
long lease of the shandy area and
is permitted to take the realisation
from the manure. The Council is
also said to be willing to permit
the temple authorities to collect
shop tax etc and to appropriate
the income from the manure
during the Jatra week.

5 Large sums were col-
lected for the new temple car
and ground rent was levied
for some years during the annual
Jatra but no accounts have

now by the Setty and Yejamam (present managers) for the amount collected and spent.

6. From the facts stated above it has to be concluded that the management of the temple and its properties has been deplorably neglected by the Setty and Yejamam and that their continuance in sole charge of the institution would be detrimental to its interests. The management of the institution will in the circumstances be taken over from the hands of the present managers and the future management regulated as follows: -

(a) A Committee of Dharmadassies will be appointed under Sec: 6 of the Mysore Religious and Charitable Institutions Regulation. As required by Rule 6(2) of the Rules published in Notification No. 1467/Muz: 226-26-5 dated 22-2-28 the Dharmadassies will be selected from among persons interested in the proper management of the institution including persons belonging to non-Lingayat Communities who, it is reported are also devotees of the temple and made liberal contributions in the past for its benefit.

Deputy Commissioner to obtain possession of S.N. 100 on behalf of the temple from the Swamy of the S Adavi Mutt, who has been in unauthorised occupation of it and to lease this and other lands under cultivation to the best advantage of the institution. The right of collecting rents for the use of the shandy grounds including the permanent structures should also be sold, the Deputy Commissioner having the discretion to accept the terms offered by the Municipality or to sell the right in public auction for definite periods

(v) Such of the loans as have been advanced from Puduwat funds and are recoverable, should be recovered and fresh bonds obtained in the case of others, the amounts that have become irrecoverable due to negligence and omission of the managers being made good by them. The debts for which the endowments were originally made, should be incorporated in the scale to be fixed.

Sd/ N. Madhavarao
Muzai Commissioner

Copy applied for by H. Gubbi Yajaman
Rwanna on 27-5-35

Copy ready on 28-5-35

" delivered on

N. of words 940

Copying fees 1-4-0.

Composing " 0-3-4

Total 1-7-4.

Copied by S. Jayaraman Rao
Composed by M. V. Rajan

" Copy "

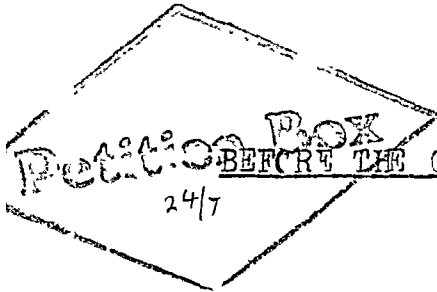
S. Jayaraman Rao
Manager

Muzrai Comm. Office

*Mem A. No 107 of
35-26.*

24/7/35

TWO RUPEES



Mem 288-34-2

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE
NARAJA OF MYSORE,
BANGALORE.

APPELLANTS:--

1. Gubbi Yejman Revanna
a n d another.

GENERAL SECRETARY
24 JULY 1935
mm

--(Vs.)--

RESPONDENT:--

..

For reasons stated in the Affidavit filed herewith, the 1st Appellant respectfully prays that the Execution of the Order of the Muzrai Commissioner under Appeal be kindly directed to be S T A Y E D .

Bangalore,
19th July, 1935.

*Be in my mind
for the sake*

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE
MAHARAJA OF MYSORE,
BANGALORE.

Muzrai Appeal No. _____ of 34-35.

APPELLANTS:-- --(Vs.)-- RESPONDENT:--

1. Gubbi Yejman Revanna
and another.

I, the 1st Appellant, solemnly
affirm as hereunder:--

1. I am the Yejman of my Community in
Gubbi for the past 30 years.

2. I and the 2nd Appellant are con-
nected with the management of Sri Channa Basa-
veswara Temple at Gubbi for the past 28 years.

3. Recently, on account of agitation
against Animal Sacrifice successfully carried
on before Government by the Appellant, some of
the townsmen, headed by Mr. N. Channappa, Ex.
M.L.C., formed a separate party and filed peti-
tions before the Muzrai Authorities alleging -
mismanagement of the Temple by the Appellant.

4. The previous Muzrai Commissioner, observing that the allegations were vague and indefinite, remanded the Case for enquiry.

5. After the said remand, convincing evidence has been let in to establish that - the ~~XX~~ attempts on the part of the said Mr. N. Channappa are not bonafide and there are not sufficient grounds to displace the Appellants.

6. Substantial grounds have been urged in the above Appeal against the correctness of the Order of the Muzrai Commissioner.

7. The fact, that since time immemorial the Setty and Yejman of the Lingayet Community were in management of the Temple in question, has been judicially recognised so far back as in 1894.

8. The Order of the Muzrai Commissioner, without giving any place in the scheme proposed for the management of the Institution, has considerably damaged my reputation.

9. Pending the disposal of this Appeal, STAY OF EXECUTION OF THE ORDER of the Muzrai Commissioner is, in the interests of - Justice & Equity, absolutely necessary.

Bangalore,
19th July, 1935.

SWORN TO BEFORE ME
V. *U. Vishwanath*
Sheristadar,
DIST. & SESSIONS COURT, 15/7/35
BANGALORE CITY.



GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat

No. R.

96

Dated, Bangalore, 28th July 1935

2-8-35-

Muz 288-34-3

Official Memorandum.

To

Messrs. Subbi Revanna and Subbi Lutchappa,
c/o Mr. Belur Srinivasa Iyengar, B.A., B.L.,
Advocate, Chickpet, Bangalore City.

With reference to petitions dated 22nd June 1935 and 24th June 1935 from the petitioners appealing against the orders of the Deputy Commissioner in Appeal No. 18/11-32 dated 8th May 1935 in the matter of the management of Sri Channabasaveswara Sward Temple at Chikpet and the properties endowed thereto, Messrs. Subbi Revanna and Subbi Lutchappa are informed that their appeal petition is rejected.

By order,

Sd. N. V. Ramaswami.

General Secretary to Government.

Memo No.

97 for 1

Dated Bangalore, the 31st July 1935.

2-8-35-

Copy of the above is forwarded with compliments to the Deputy Commissioner in Mysore for information.

By order,

for General Secretary to Government.
[Signature]

Section *Muz*

File No. *288-34*

Serial No. *3*

No. *96.* To *Messrs. Gubbi Revanna and Gubbi Hatchappa*

To C./, Mr. Belu Srinivasa Sanyal
Mr. B. S. Sanyal
Chikapel, Bangalore City
~~*Mr. Messrs. Gubbi Revanna*~~
~~*& Hatchappa.*~~

Diary No. of letter replied to

General and Revenue Secretariat

the 193 .

Date of issue . *2-8-35*

Signed by *Mr. B. medd Krishna Rao*

*To the reply to letters of 22/6/35 & 24.7.35 from the petitioners appealing against the order of the M.C. ⁱⁿ ~~the~~ *APM No 16/31-32* of 8/5/35 — in the matter of the management of Sri Channabasavanna Sanni Temple at Gubbi & the properties endowed thereto Messrs. Gubbi Revanna and Gubbi*

List of enclosures

Copied by

That act has been taken into consideration by P. & C. S. & R. S. that for this the previous order is cancelled & a new one is issued and

The petitioners are informed that their appeal is

and
rejected, ~~the name of their~~
~~request can be cancelled too.~~

B. O

27/7/74 Gen Sec
87-92-8-35-
Cmg to m.c. for information

B. O

27/7-74 Gen Sec
~~87-92-8-35-~~

GS
27/7